



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO
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Reply to
Attn of:

CACFP-584

JUL 19 1999

Subject:

Pre-Approval Visits in the Child and Adult Care Food Program
(CACFP)

To:

STATE AGENCY DIRECTORS -
(Child Nutrition Programs)

Colorado DPHE, Iowa, Kansas
Missouri DH, Montana DPHSS
Nebraska ED, North Dakota,
South Dakota, Utah and
Wyoming ED

The attached questions and answers are in response to requests for guidance on implementing the subject provision of Public Law 105-336, the Child Nutrition Reauthorization Act of 1998. This provision requires State Agencies to visit private (i.e. nonprofit or for-profit) child care institutions prior to their approval to participate in the CACFP.

Please contact our staff at (303) 844-0359 if you have any questions.

Darlene Sanchez

for ANN C. DEGROAT
Regional Director
Child Nutrition Programs

Attachment

QUESTIONS AND ANSWERS CONCERNING PRE-APPROVAL VISITS BY STATE AGENCIES (SAs) TO PRIVATE INSTITUTIONS IN THE CACFP

Are there any institutions which don't have to receive a pre-approval visit?

Yes. Adult day care institutions are not included in this requirement. In addition, although we recommend that SAs conduct pre-approval visits to all institutions, there is no legal requirement that public agencies participating in CACFP receive a pre-approval visit.

Why was the pre-approval visit requirement added to the law?

A pre-approval visit to an independent child care center allows the SA to verify the center's existence and that it is capable of providing meal service to the number of children it proposes to serve. A pre-approval visit to a sponsor of homes or centers allows the SA to verify that the sponsoring organization has the business and management capacity to properly administer the Program in the number of child care facilities it proposes to serve. Additionally, a pre-approval visit provides the SA with an excellent opportunity to discuss Program requirements with the prospective institution and to train its staff on critical aspects of Program operations.

Why is this guidance necessary?

Section 17(d)(1) of the National School Lunch Act requires SAs to approve or disapprove all institutions' applications to participate in CACFP within 30 days of receipt. The requirement to conduct pre-approval visits to non-public applicants, coupled with the requirement to approve or disapprove all applications within 30 days, could create a hardship for some SAs. For example, this might be the case in geographically large States where the SA receives a regular influx of applications from independent centers scattered around the State. In such cases, it might be virtually impossible for a SA to meet the combined requirements of the law. Therefore, it is logical to permit SAs to make various types of arrangements to meet this requirement.

Are there ways other than a visit that a SA can use to meet this requirement?

Alternative ways of meeting this requirement include, but are not limited to:

- For independent centers, which will have to be licensed or approved by a State or local entity in order to provide child care, it would be acceptable for the SA administering CACFP to make arrangements with the State or local licensing

entity or health department to share information regarding the independent center, provided that this information was based on a visit made within the past 12 months. In such case, a State CACFP agency could receive a recent report from the State or local licensing entity or health department in lieu of making its own pre-approval visit to the center.

- A SA could contract for the performance of the function.
- In the case of sponsoring organizations of homes or centers, there is no alternative State agency which could properly evaluate the sponsor's ability to manage the CACFP. Therefore, either the SA or a contractor should perform an on-site visit to the sponsor.

What if alternative arrangements aren't feasible, but the SA still believes it cannot meet the law's requirements?

If the SA believes that it cannot conduct the required pre-approval visits in a timely and cost-effective manner, it may apply to the regional office for a waiver.

What types of waiver requests can a regional office approve?

The regional office can approve waivers which allow the SA's visit to an institution to occur after the institution has been approved for Program participation. However, in such cases, the SA must still be required to visit the new institution within 60-120 days of the date it began participating in the Program. The SA should include a plan for meeting this requirement as part of its waiver request.

What guidelines should regional offices follow in evaluating waiver requests?

Regional offices must determine whether the SA's request was adequately justified, subject to these general guidelines.

- (1) Requests for waiver of the pre-approval requirement may only be made for a specific institution. Requests for a State-wide waiver of the requirement should not be entertained;
- (2) Regional offices would base their decisions on their knowledge of a variety of factors (SA staffing; geographic dispersion of institutions and their proximity to the SA; recent changes in licensing requirements; and any other relevant factors); and